

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action
No. 05 11395 RCL

PATRICIA BERGEVINE,
Plaintiff

v.

PEASE & CURREN, INC., PEASE &
CURREN MATERIALS, INC., ROBERT H.
PEASE, JR., FRANCIS H. CURREN, JR.,
FRANCIS H. CURREN, III A/K/A KIP
CURREN, AND MEREDITH CURREN
Defendants

**DEFENDANTS' MOTION TO WITHDRAW THEIR MOTION TO COMPEL PLAINTIFF TO
PROVIDE AUTHORIZATION FOR RELEASE OF
PLAINTIFF'S PSYCHIATRIC AND OTHER COUNSELING RECORDS**

Now comes the defendants who respectfully request that Defendants' Motion to Compel Plaintiff to Provide Authorization for Release of Plaintiff's Psychiatric and Other Counseling Records be withdrawn. As grounds for this motion, defendants state that on October 3, 2006, plaintiff agreed to dismiss, with prejudice, all claims for emotional distress and all claimed damages for emotional distress that she had set forth in her complaint. A Stipulation of Dismissal as to Counts IV (Negligent Infliction of Emotional Distress) and V (Intentional Infliction of Emotional Distress) of Plaintiff's Complaint and All Claimed Damages for Emotional Distress was filed with the Court on October 4, 2006. Accordingly, the Motion to Compel Plaintiff to Provide Authorization for Release of Plaintiff's Psychiatric and Other Counseling Records is no longer necessary.

For the foregoing reasons, defendants respectfully request that their to Motion to Compel Plaintiff to Provide Authorization for Release of Plaintiff's Psychiatric and Other Counseling Records

filed with this Court on September 21, 2006, be withdrawn.

Defendants, By their Attorneys,

/s/ Joseph H. Aronson
/s/ Laura G. Ryan
Joseph H. Aronson [BBO #022070]
Laura G. Ryan [BBO #653793]
THE McCORMACK FIRM, LLC
One International Place
Boston, MA 02110
(617) 951-2929

CERTIFICATE OF SERVICE

I, Laura G. Ryan, hereby certify that on October 5, 2006, the foregoing document, Motion to Withdraw Defendants' Motion to Compel Plaintiff to Provide Authorization for Release of Plaintiff's Psychiatric and Other Counseling Records, which is being filed through the ECF system, was served electronically to the following recipient identified as a registered participant on the Notice of Electronic Filing (NEF):

*Gregory Aceto, Esq.
Erin Brennan, Esq.
Johnson & Aceto, PC
67 Batterymarch Street
Boston, MA 02210*

In addition, a copy of the foregoing Motion to Withdraw Defendants' Motion to Compel Production of Plaintiff's Tax Returns was served via first class mail on September 21, 2006 upon the following attorney of record, who has not been identified as an ECF recipient:

*Bruce Gladstone, Esq.
Cameron & Mittleman, LLP
56 Exchange Terrace, Suite 2
Providence, RI 02903-1766*

/s/ Laura G. Ryan
Laura G. Ryan

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